



## Legislation Details (With Text)

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### Agenda Item Name:

Exclusive Franchise for Residential and Commercial Waste Collection Services Update

### Presenter:

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### Description:

Update the Board on the path to achieve an exclusive franchise for the collection of residential and commercial solid waste. Discuss the new requirements under Florida Statutes 403.70605(3).

### Recommended Action:

1. Rescind the Board's December 8, 2020 motion requesting staff to send a supplemental notice to extend the date for the displacement of solid waste commercial haulers from October 1, 2023 to October 1, 2026.
2. Adopt motion to authorize staff to issue a Request for Proposals (RFP) or Invitation to Negotiate (ITN) for an exclusive franchise for the collection of residential and commercial solid waste. The commercial portion would be effective in 2023 and the residential in 2026.
3. Receive presentation on the general outline of services for the exclusive franchise for residential and commercial solid waste collection services and approve measures necessary to provide services.

### Prior Board Motions:

**August 25, 2020** - Authorized staff to notify commercial haulers of the BoCC decision to displace the existing solid waste commercial haulers with an effective date of October 1, 2023.

**December 8, 2020** - Authorized staff to notify commercial haulers of the BoCC decision to extend the displacement date of the existing solid waste commercial haulers to October 1, 2026.

### **Fiscal Consideration:**

Fiscal considerations will vary depending on the direction from the Board. Residential and Commercial Waste Collection Services are currently funded through Fund 148 - MSBU Refuse Collection. The direction by the Board would affect the FY22 budget and beyond.

### **Background:**

On August 25, 2020 the BoCC directed staff to send a letter to the four franchised commercial haulers to notify them of the County's intent to initiate the displacement process. In order to displace commercial haulers, the County thought it prudent to comply with the requirements of F.S. 403.70605 (3) - Displacement of Private Waste Companies. Requirements included holding a least one Public Hearing; notifying the haulers at least 45 days in advance from the hearing; initiate measures to provide displaced services within 1 year of final displacement hearing; and provide 3 years notice to displaced companies or as an alternative pay an amount equal to the companies preceding 15 months gross receipts. On August 25, 2020 the BoCC held the required public hearing and directed staff to send a letter to the four franchised commercial haulers to notify them of the County's intent to initiate the displacement process. On September 8, 2020 staff notified the commercial haulers that the BoCC had approved the displacement process with an effective date of October 1, 2023.

On December 8, 2020 the BoCC approved a motion to extend the existing agreement with WCA Waste Corporation for the collection of residential solid waste for an additional 5 years. In order for both the residential and commercial franchises to terminate on the same date, the BoCC also approved a motion to extend the effective date for the displacement of the commercial haulers to October 1, 2026. Staff is currently working on the extension agreement with WCA Waste Corporation. The commercial haulers have not yet been notified by mail of the October 26, 2026 displacement deadline.

During the 2021 legislative session, the Florida Legislature approved a number of changes to section 403.70605(3), Florida Statutes. The most significant change is that displacement of commercial waste haulers now requires 3 year's notice **and** payment of 18 month's gross receipts, instead of one or the other. Of equal significance is that the Florida legislature made this new requirement retroactive to all displacement notices sent after December 31, 2020.

As part of this presentation, staff will discuss the potential impacts of the new Florida Statute and provide a recommended path forward to achieve the BoCC objective of having an exclusive franchise for the collection of residential and commercial solid waste by 2026.